

LAW OFFICE OF
BENJAMIN SILVERMAN
224 WEST 30TH ST., SUITE 302
NEW YORK, NY 10001

TEL (212) 203-8074
FAX (646) 843-3938
Benjamin@bsilvermanlaw.com

March 19, 2021

By ECF

Honorable Jesse M. Furman
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

Application GRANTED. The Clerk of Court is directed to terminate Doc. #146 in the criminal case and Doc. #8 in the civil case. SO ORDERED.



Re: *United States v. Nkanga*, 18 Cr. 713, 20 Civ. 2871 (JMF)

March 19, 2021

Your Honor:

I represent Nkanga Nkanga for his 2255 motion and I write in response to the Court's Order of March 1, 2021. The parties jointly request that Dr. Nkanga be ordered to surrender to the Bureau of Prisons (BOP) on May 14, 2021. Allowing a May 14 surrender date will provide Dr. Nkanga an opportunity to maximize his immune response to the vaccine and also allow for the pandemic to subside within FCI Fort Dix, which may have been the hardest hit of all BOP facilities over the past one year. According to BOP's Covid-19 website, there remain 13 inmates and 40 staff with active infections at Fort Dix.¹ In the past, numbers that low have increased to hundreds of infections at Fort Dix within days. We therefore request the additional eight weeks from today to permit Dr. Nkanga to develop the strongest possible immunity and provide more time for BOP to reduce Covid-19 prevalence within Fort Dix.

Dr. Nkanga voluntarily surrendered in 2019 and has remained in perfect compliance with his home confinement for nearly one year. The government therefore consents to the May 14 surrender date.

Because Dr. Nkanga's bail is predicated on the pending 2255 motion, and because neither party believes it is necessary for the Court to address that motion on the merits, we respectfully request that the 2255 remain pending through the surrender date. Dr. Nkanga has authorized me to withdraw his 2255 motion promptly after his surrender and

¹ BOP Covid-19 Website, available at www.bop.gov/coronavirus.

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to withdraw as his 2255 counsel. Daniel Parker and Joshua Horowitz will continue to represent Dr. Nkanga, including for any application under 18 U.S.C. § 3582(c).

For the foregoing reasons, the parties jointly request that the Court endorse this letter to order Dr. Nkanga to surrender to BOP on May 14, 2021. Thank you for your consideration.

Respectfully submitted,

/s/ Benjamin Silverman

Benjamin Silverman

cc: Counsel of Record (by ECF)
Nkanga Nkanga (by U.S. mail)